

AUDREY STRAUSS

Acting United States Attorney for the
Southern District of New York

By: MELISSA A. CHILDS

Assistant United States Attorney

86 Chambers Street, Third Floor

New York, New York 10007

Telephone: (212) 637-2711

Facsimile: (212) 637-2717

Email: melissa.childs@usdoj.gov

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEREMY LEVIN, *et al.*,

Plaintiffs,

v.

ISLAMIC REPUBLIC OF IRAN, *et al.*,

Defendants.

No. 09-CV-5900 (JPO-RLE)

**DECLARATION OF
MELISSA A. CHILDS**

MELISSA A. CHILDS states as follows:

1. I am an Assistant United States Attorney in the United States Attorney's Office for the Southern District of New York. As one of the attorneys assigned to this matter, I have conferred with my colleagues in the United States Attorney's Office for the District of Columbia regarding multiple proceedings related to certain funds at issue in this case.

2. I submit this declaration in support of the United States' motion to intervene and to transfer the writ of execution proceedings regarding certain funds—\$9,998,941.91 held by Wells Fargo Bank, N.A. related to the petroleum tanker Nautic (a/k/a Gulf Sky) (the "Funds")—that appear to be at issue in the following actions pending in the United States District Court for the District of Columbia:

- a. *Levin v. Islamic Republic of Iran*, Civ. A. No. 05-2494 (RDM) (D.D.C.) (the “DDC Levin Action”);
- b. *United States v. \$2,340,000.00 Associated With Petroleum Tanker Nautic*, Civ. A. No. 20-1139 (JEB) (D.D.C.) (the “Forfeiture Action”); and
- c. *Owens v. Republic of Sudan*, Civ. A. No. 01-2244 (JDB) (D.D.C.) (the “Owens Action”).

3. It appears from examination of the docket in this case that between August 11 and September 30, 2020, the plaintiffs sought and obtained a writ of execution against the Funds to collect their judgment (Dkts. 1309-12 and 1324). A true and correct copy of the Writ is attached to this declaration as Exhibit A.

4. It appears from examination of the docket in the District of Columbia that before the Writ issued in this case, the United States had filed the Forfeiture Action and arrested the Funds. True and correct copies of the Affidavit of FBI Special Agent Cindy Burnham, the Forfeiture Complaint, and the Warrant for Arrest In Rem are attached to this declaration as Exhibits B, C, and D, respectively.

5. After learning that the Funds appear to be the subject of competing claims in several actions that may result in inconsistent orders in different jurisdictions, I have conferred with my colleagues in the District of Columbia, the attorneys for Wells Fargo, and counsel for the Levins about how to proceed against the Funds in the related cases.

6. As a result of those discussions, with the Levins’ consent, the United States seeks to intervene in this case. The United States also seeks, with opposition from the Levins, to transfer the Writ against the Funds to the United States District Court for the District of Columbia for coordinated proceedings with the Forfeiture Action, and other actions concerning the Funds, as needed to avoid concurrent jurisdiction over the Funds.

Pursuant to 28 U.S.C. § 1746, I verify under penalty of perjury that the foregoing is true and correct.

Date: October 16, 2020
 New York, New York

By: /s/ *Melissa A. Childs*
 MELISSA A. CHILDS